

PHYSICIAN ASSISTANT COMMITTEE

INITIAL STATEMENT OF REASONS

Hearing Date: 17 August 2006

Subject Matter of Proposed Regulations:

(1) Section Affected: 1399.540

Specific Purpose of each adoption, amendment, or repeal:

The existing regulation requires that a physician assistant may only provide medical services which he or she is competent to perform and which are consistent with the physician assistant's education, training, and experience and which are delegated in writing by a supervising physician.

This proposal would formally recognize that the writing which delegates the medical services to the physician assistant be known as a "Delegation of Services Agreement" and require that it now be signed and dated by both the supervising physician and physician assistant.

Factual Basis/Rationale

Section 1399.540 of the Physician Assistant regulations states, in part, "A physician assistant may only provide those medical services which he or she is competent to perform and which are consistent with the physician assistant's education, training, and experience, and which are delegated in writing by a supervising physician who is responsible for the patients cared for by that physician assistant."

These writings which delegate the medical services performed by the physician assistant are the foundation of the physician assistant's practice. The document specifies the names of the supervising physicians who will supervise the physician assistant. It also specifies what type of medical services the physician assistant will perform, how they are performed, how the patient charts will be reviewed and countersigned, and what type of medications the physician assistant will transmit on behalf of the supervising physician. Additionally, the document describes emergency transport procedures for medical situations beyond the physician assistant's scope of practice.

These documents which are used by physician assistants and their supervising physicians to meet the requirements of Section 1399.540 are universally known in the medical community as a "Delegation of Services Agreement."

The current regulation, although it requires a delegation to be in writing, does not mandate that the physician assistant and supervising physician sign it.

Requiring both parties to sign the document make it more likely they understand and agree to the contents of the document and the nature of their relationship. Consumer protection would be enhanced by ensuring complete and full understanding of the contents of the delegation of services agreement.

Additionally, a document signed by the physician assistant and supervising physician would assist the committee with enforcement duties. Neither party could claim that they didn't agree to the delegated medical tasks or the existence of the document.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon:

None.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. Because the document is already required by the regulations, the only effort is in signing the document.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1) Not amend regulation. This alternative was rejected because the writings defined by section 1399.540 are known to the physician assistant community as a Delegation of Services Agreement.

2) Amend the regulation to require that the writings defined by section 1399.540 as a Delegation of Services Agreement and require that the document be signed and dated by both the physician assistant and supervising physician.

The committee determined that the second alternative was the most feasible because the title, "Delegation of Services Agreement" is now universally understood by the medical community as the title for this document. Having the document signed by both the physician assistant and supervising physician would ensure that both parties understand and agree with the contents of the document.

Additionally, the signed document would assist the committee with enforcement duties. Neither party could claim that they didn't agree to the delegated medical tasks or the existence of the document.